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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**ATTENTION AFTER FINAL PRACTICE**

Herrell

Art Unit: 2171

Application No.: 09/933,666

Examiner: Nguyen, M. P.

Filed: August 22, 2001

Attorney Dkt. No.: 11011-0002

For: System and Method for Evaluating Employees by Creating and Trading Shares Based on the Employees (as amended)

**SECOND REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Advisory dated October 6, 2004, Applicant respectfully request reconsideration of the rejection. In the Advisory Action, it was the Examiner's position that the Declaration under Rule 1.131 was ineffective since it did not state the actual date of the invention.

In telephone interviews conducted with the Examiner and her supervisor on November 12, 2004, Applicant's attorney explained that MPEP 715.07(II) permits the submission of a Declaration under 37 CFR 1.131 without specifying the actual date, and therefore the Declaration is effective for removing Gakidis as prior art from the rejection. Since Gakidis has been removed, the rejection cannot be maintained, and the Examiner should pass this application onto condition for allowance.

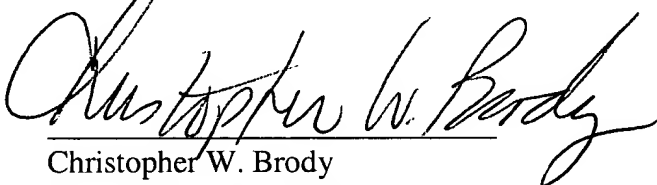
The correctness of Applicant's position was confirmed in a subsequent telephone interview with Examiner Nguyen on November 12, 2004.

Accordingly, a notice of allowance is respectfully requested for this application.

Applicant petitions for a one month extension of time fee. Submitted herewith is a check in the amount of \$55.00 to cover the cost of the petition. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Again, reconsideration and allowance of this application is respectfully solicited.

Respectfully submitted,  
CLARK & BRODY

A handwritten signature in cursive script, reading "Christopher W. Brody", written over a horizontal line.

Christopher W. Brody  
Registration No. 33,613

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Docket No.: 11011-0002  
Date: November 12, 2004